

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.

05 DEC -8 PM 4: 04

UNITED STATES OF AMERICA  
Plaintiff,

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

VS.

CR. NO. 04-20289-B

BARRY FERGUSON,  
Defendant.

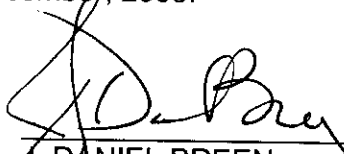
ORDER DENYING MOTION TO SUPPRESS,  
ORDER ON CONTINUANCE AND SPECIFYING PERIOD OF EXCLUDABLE DELAY  
AND SETTING

This cause came on for a Hearing on the Motion to Suppress on December 8, 2005. After considering the testimony of witnesses, the evidence submitted, and statements of counsel, the court denied the motion to suppress, incorporating its factual findings and conclusions of law issued orally. At that time, counsel for the defendant requested a continuance of the trial date to allow for further preparation in the case.

The Court hereby sets the trial date for the Criminal Rotation Docket beginning Monday, February 6, 2006, and **sets a Report Date of Monday, January 30, 2006 at 9:30 a.m.** in Courtroom #1 on the 11<sup>th</sup> floor of the Federal Building, Memphis, Tennessee.

The period from December 16, 2005 through February 17, 2006 is excludable under 18 U.S.C. § 3161(h)(8)(B)(iv) because the ends of justice served in allowing for additional time to prepare outweigh the need for a speedy trial.

IT IS SO ORDERED this 8<sup>th</sup> day of December, 2005.

  
J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 73 in case 2:04-CR-20289 was distributed by fax, mail, or direct printing on December 12, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT